

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

QUINTIN L. HOLMES,

Petitioner,

Civil No. 2:13-CV-12363

Honorable Patrick J. Duggan

v.

STEVE RIVARD,

Respondent.

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**ORDER DISMISSING WITHOUT PREJUDICE AS DUPLICATIVE THE  
PETITION FOR WRIT OF HABEAS CORPUS AND DECLINING TO ISSUE A  
CERTIFICATE OF APPEALABILITY**

Quintin L. Holmes, (“Petitioner”), presently confined at the Carson City Correctional Facility in Carson City, Michigan, has filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is challenging his December 2008 conviction in the Ingham County Circuit Court for second-degree murder in violation of Michigan Compiled Laws § 750.317. Petitioner previously filed a petition for writ of habeas corpus challenging the same conviction and raising identical claims. *See Holmes v. Rivard*, No. 2:12-CV-12195 (E.D. Mich. filed May 18, 2012). That action remains pending before Chief Judge Gerald E. Rosen. This Court therefore is dismissing the present matter as duplicative of Petitioner’s previously filed habeas petition. *See Davis v. U.S. Parole Comm’n*, No. 88-5905, 1989 WL 25837 (6th Cir. Mar. 7, 1989) (affirming district court’s dismissal of a habeas petition as being duplicative of a pending habeas petition, where the two petitions are essentially the same). The Court also is denying

Petitioner a certificate of appealability as jurists of reason would not find it debatable whether this procedural ruling is correct. *Slack v. McDaniel*, 529 U.S. 473, 484, 120 S. Ct. 1595, 1604 (2000).

Accordingly,

**IT IS ORDERED** that the petition for a writ of habeas corpus is **SUMMARILY DISMISSED WITHOUT PREJUDICE**;

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

Dated: June 11, 2013

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copy to:  
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